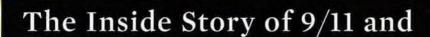
EXHIBIT 238

THE

BLACK BANNERS



the War Against al-Qaeda

ALI H. SOUFAN

WITH DANIEL FREEDMAN

BLACK BANNERS

The Inside Story of 9/11 and the War Against al-Qaeda

ALI H. SOUFAN

with Daniel Freedman

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Having gotten Badawi's confession, next came that of his deputy, Quso. Bob McFadden hadn't been able to interview Badawi, because he'd seen the Yemeni interrogators' report of their questioning of him; this was problematic, as they hadn't followed U.S. legal procedures. That hadn't happened with Quso, so Bob joined me in the interrogation room.

Quso laughed and joked with his guards as he walked into the interrogation room. He looked healthy and well rested. He was a small, lanky young man, with a long, narrow face and a scraggly beard he liked to tug on. As soon as he sat down, Ansi, the head of the PSO in Aden, walked into the interrogation room, glanced at us, and then kissed Quso on each cheek, whispering what seemed to be words of encouragement in his ear. Quso turned to us, smiled, and folded his hands.

"Hello," I said to Quso in Arabic, but before I could continue he interrupted me.

"I'm not going to speak to you," he said, waving his hand dismissively. "I'm waiting for the interrogator."

He apparently thought I was a translator and didn't realize that I was an FBI agent. "Well, you'll be waiting a long time, then," I told him. "I'm the interrogator. I'm with the FBI." He had a look of disbelief on his face, so I showed him my FBI credentials.

"Now that we've got that sorted out, let me introduce myself," I said. Bob introduced himself and we read the Miranda warning. Quso wouldn't sign a declaration, but he nodded and verbally waived his rights. A reluctance to sign a document was common among al-Qaeda members, as some couldn't read so weren't sure what they were signing. Others feared that, once they signed a document, a confession would be added—something they apparently had been warned about.

I learned this later from questioning al-Bara, Khallad's younger brother, who had been locked up by the Yemenis since the Bayt Habra plot to free Mihdhar. He refused to sign the Miranda warning but was prepared to verbally waive his rights, so I asked him, "Why don't you guys sign this?"

"So you don't add anything," he replied.

He explained that in the Arabic version of the Miranda warning, there is a big space between the end of the words and the signature line. He (and other al-Qaeda members, evidently) worried that a "confession" would be added above their signature.

"How about if you cross out the white so that nothing can be added?" I asked. He was happy with that, and with a pen squiggled throughout the white space and then signed the paper.

We started off the interrogation by telling Quso that we knew all about his role in the attack on the Cole and that it would be best if he cooperated. He responded angrily, thumping the table and denying any knowledge of it. While our job with Quso should have been relatively easy because Badawi had confessed to both their roles, Quso made it clear that it would not be a smooth process. At times he accused me of being an Israeli intelligence agent. "I don't think you're really a Muslim. You're Mossad," he said.

We worked on connecting with Quso on a personal level, speaking about his desire to one day get married. I expressed sympathy regarding his single status, which seemed to bother him, and said I hoped that one day he would find a suitable bride. I told him that his life was still ahead of him, and that if he gave us information that we needed, there was more of a chance that he would have a future.

Quso had an inflated view of his own intelligence. From the outset he seemed convinced that he could outwit us, and at first he denied any knowledge of the attack. But like Badawi, Quso couldn't keep his timeline straight, as he, too, had a problem with linear thinking. Over the course of the interrogation he repeatedly switched his story when we caught him out.

His initial focus, after admitting a little, was to minimize the culpability of Badawi and himself. He said that he had supported the attack in theory but had not been a part of it, and asked sarcastically if expressing opinions was a crime under American law. Midway through the interrogation he switched to claiming that he and Badawi had attempted to alert the Yemeni authorities. Of course, no record of this attempt was ever found. Quso next tried claiming that he and Badawi had never intended to record the bombings, and that Badawi had told him "to go late." Then he said he had overslept. He also first claimed that he had never asked Badawi who was behind the attack, because "it was a big operation and my culpability was possible, so I did not ask." Later, he admitted he knew what he was meant to record.

We also played the two against each other. We told Quso that Badawi had told us all about his role, and Quso in turn told us that Badawi had told him that the operation would involve a boat laden with explosives ramming a U.S. warship. He had agreed to help after Badawi had told him that the attack would be against a ship that "zealously attacked Muslims" and that the warship was on its way to Iraq to kill innocent citizens. Badawi added that America was an enemy of Islam, which was why the attack was permitted.

Switching to religion, I asked him about the concept of Ahed al-Aman—which promises security and protection for non-Muslims by Muslims. As the Yemeni authorities welcomed the United States to Aden, Ahed al-Aman should apply. Quso countered that the "sheikh overruled that" because of the "evil America does."

"Who is the sheikh?" I asked.

"You know who," he replied. "It's bin Laden."

...

We used our knowledge of al-Qaeda to wear down Quso and impress upon him that we understood the inner workings of the organization and the extent of his involvement. After repeatedly getting caught in lies, he began to suspect that I had infiltrated the organization: nothing else could explain my intimacy with its practices. His conviction was so thoroughgoing that at one point he exclaimed, "I saw you in Afghanistan!" Later, he told me, "I saw you in Kandahar."

"Maybe," I said with a smile.

Gradually Quso became almost boastful about his relationship with bin Laden and al-Qaeda. He thought that we knew most of what he was telling us. We didn't.

After finishing high school in 1998, Quso traveled to Afghanistan with two friends from his neighborhood—Taha (who went by a single name) and Mamoun al-Musouwah. Musouwah went on to become a Yemeni policeman and arranged fraudulent documents for al-Qaeda. The young men's trip was sponsored by a radical network run through a school they attended in Taiz: Sheikh Aqeel University, a known al-Qaeda feeder institution. In Afghanistan, Quso traveled from guesthouse to guesthouse. Finally, Abu Khubaib al-Sudani (Ibrahim Ahmed Mahmoud al-Qosi) picked him up and took him to a guesthouse whose emir was bin Laden bodyguard Abu Jandal. Quso said that Abu Jandal had a Saudi accent but Yemeni features; he told us that he found him likable. He described watching Abu Jandal care for an al-Qaeda terrorist who was ill during Ramadan. The terrorist had fasted despite having just had his stomach stapled, a dangerous and foolish thing. Abu Jandal's ministrations brought him back to health. Quso became familiar with other high-ranking al-Qaeda members, including Saif al-Adel, Ayman al-Zawahiri, and Mohammed Atef. We showed Quso a photo-book of top members and he was able to identify them.

Quso also met bin Laden at Abu Jandal's guesthouse. His feeling for the al-Qaeda leader bordered on infatuation: he told us that he felt serene and peaceful whenever bin Laden spoke. Bin Laden lectured about aggressions committed by Americans against Muslims and how Muslims had a duty to expel infidels from the Arabian Peninsula. Quso

approached one of bin Laden's bodyguards about having an audience with the al-Qaeda leader and was granted one with Taha and Mamoun al-Musouwah. Quso described bin Laden as "very open." They discussed the justification for jihad. Bin Laden impressed upon the three that "if an inch of Muslim land is occupied, Muslims must undertake

Bin Laden's topic would vary depending upon who was present. When only close associates were in attendance, he spoke freely and at length. When he didn't know his listeners, he was more guarded and hesitant. That Quso knew the difference was an indication that bin Laden came to view him as a trusted associate.

iihad."

Quso slowly filled in more details about the attack. He said he had learned about it a month and a half beforehand. Badawi had approached him and said that he himself had been charged with the task of recording it but that he would "be busy that day"; so he had asked Quso to step in. He took him to the Tawahi apartment and taught him how to use the camera, a small Sony model. From the window Badawi pointed to two different dolphins (fueling stations) in the harbor and said that the attack would occur at one of them. Quso and Badawi then practiced recording the attack. Quso said that they deleted each practice recording but kept the same tape in the camera. There was also, Quso told us, a new, unused tape in a camera bag.

After their instruction sessions, Badawi gave Quso a pager and told him that he would receive a "010101" page alerting him that the operation was imminent. As soon as he received the page, he should head to the apartment and begin recording the action at the harbor. Badawi gave Quso a key to the apartment.

Quso told us that on the morning of the *Cole* bombing, a Thursday, he woke up early and went to the mosque to read the Quran until sunrise, and then went for morning prayers. There he met his friend Mohammed al-Durrama, who invited him back to his father's house for breakfast. They ate and took a nap, sleeping till around 9:00 or 9:30, and proceeded to the mosque to study the Quran, as they had a test Monday.

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Only then, around 9:45 or 10:00, Quso said, did he notice the page; the pager had been on vibrate. He assumed that the page had come while he was sleeping.

He immediately packed up his things at the mosque and went to Badawi's house, where the video camera was stored. Badawi wasn't there—he was at the Ibn al-Amir Institute, a radical religious school in Sanaa—so Quso entered the house using a spare key Badawi had given him. He moved on to his father's house, where the Tawahi apartment key was stored. While there, he also took a spare key for his sister's house. He then jumped in a taxi and headed toward the Tawahi apartment.

When he reached the main street of Ma'alla, a neighborhood near Aden's harbor, he heard a big explosion. He knew that it was the bombing of the ship, and that he had missed it. He told the driver to turn around, and he went to his sister's house. No one was home, and he let himself in using the spare key. He hid the video camera and called Badawi in Sanaa. Quso reported to Badawi that the operation had taken place but that he hadn't videotaped it.

Next Quso headed to al-Ridda Mosque for the noon prayer. On the way, he received a page from Badawi and stopped at a calling center near a taxi stand to get in touch with him. Badawi asked him to "report the news." Quso told him that he heard ambulances heading toward the harbor but didn't know anything else. Badawi asked Quso to go to his (Badawi's) house to collect three bags and drop them off at his in-laws'. He told Badawi that he was nervous about the situation in Aden and was planning to head to Sanaa. Badawi agreed that it was a good idea. Their conversation was "anxious," Quso said.

Later, in the Ba-Nafa' souk, Quso received a third page from Badawi, who again asked about "the news." Quso said that he had new information: his sister had told him that she had heard from neighbors that a boat had collided with a military ship. Badawi told Quso he had a new, "important" job for him. "The truck and trailer are still at the launch site," Badawi said. "I need you to get them. The keys are in the truck." Quso refused, telling Badawi that a police unit was stationed near the bridge and that it would be dangerous.

"Everyone in my neighborhood knows that I don't have a truck and a boat," Quso continued. "If I am seen after the explosion driving a truck with a boat trailer, it will attract suspicion. I'll be picked up."

"If you don't pick it up," Badawi replied, "then all of Burayqah will be under suspicion."

"It's too dangerous, I can't. I'm coming to Sanaa tonight." And Quso hung up.

Quso headed toward Badawi's house to get the three bags. En route, he bumped into his friend Yasser al-Shini, another al-Qaeda operative, who said he'd help him. The two picked up the bags: a green bag, a briefcase, and a leather purse. Quso asked Shini to close the safe house and warn all the other brothers to leave Aden. Next Quso went to pick up his friend Mohammed al-Durrama, who had told Quso he would leave for Sanaa with him.

The three headed toward Quso's house so that he could get some personal items. On their way, Quso received a fourth page from Badawi, checking on the status of the bags. Quso told him that he had the bags with him but that, rather than dropping them at Badawi's in-laws', it would be easier for him to drop them somewhere closer, so that he and Durrama could head to Sanaa sooner. Badawi was insistent that they drop the bags at the in-laws'.

Quso did so, and then he and Durrama headed toward Sanaa. As they passed over the al-Burayqah bridge, Quso saw that the truck and trailer were still parked under it. They arrived in Sanaa after midnight and called the al-Amir Institute, and Badawi instructed a guard to let them in.

A few days later, Quso said, security forces came and picked up Badawi. Quso remained in Sanaa until the following week, evading the authorities. He called his parents in Aden, only to find that his father had been taken into custody. Realizing that the noose was tightening around him and that his family was paying the consequences, he went back to Aden and surrendered himself to the PSO.

I was never convinced that Quso had in fact overslept. When the PSO went to Quso's sister's house, they found the camera where he said he

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had put it, but only one tape was found. There should have been two—the practice tape and the spare tape. Quso couldn't explain what had happened to the second tape.

Acting on a hunch, I asked him, "So who videotaped the operation, then, if you didn't?"

"Maybe the jinn did it," he replied, smiling. No sooner had he invoked the "genie" than Naji, the head of President Saleh's security team, terminated the interrogation, citing Quso's need for rest.

The moment was lost. In interrogations you often have one moment where a suspect makes a slip, and only if you seize on it immediately can you pursue it. If you don't, he has a chance to reorganize his story and cover up.

Throughout our interrogations of Quso, Ansi paid extra close attention to what we were asking and what he was answering. He seemed to have more of a personal interest in the Quso interrogation than in Badawi's or any others'. Often when Quso was in a tight spot and trapped by our questioning, Ansi would call for a break in the interrogation.

One day, after we had finished questioning Quso, Ansi asked me to take a ride with him in his car. I hesitated, as we had strict security procedures and were never to travel without the FBI SWAT agents responsible for our protection, but I didn't want to insult Ansi by saying I didn't trust him. Perhaps he had something important to tell me, I reasoned. I got into his car, and from the side mirror I saw a worried-looking Carlos Fernandez in the FBI convoy following us.

He drove very slowly, which made me nervous. After a few minutes of silence, he began talking about the interrogations and our investigation. We discussed the evidence we were building up and the progress that was being made. Eventually he said to me, "I believe Quso is a good, simple youth. I believe that Badawi is the man who needs to be prosecuted."

It was strange that he was trying to portray Quso as a good person and place the blame on Badawi. "Well, it seems that there are a lot of people who are bad and are involved," I replied, and he returned to the hotel without raising the topic again.

Ansi also got agitated when our investigation led us to al-Qaeda sympathizers among Yemeni officials. At one point we interrogated two Yemeni police officials, Yasser al-Surruri and Mohammed al-Murakab, who, under questioning, admitted to having helped terrorists obtain fraudulent passports. We had found these two officials through Quso's friend Mamoun al-Musouwah, the corrupt policeman. As I emerged from the session with Surruri and Murakab that had yielded that information, I saw Ansi—in the courtyard of the PSO prison where we were conducting the interrogation—and asked, "Can we have the pictures of the operatives Surruri and Murakab identified?"

"No."

"Why? They're possible suspects and we need to look into them."

"No," Ansi repeated. "Why are they important, anyway? You don't know if they're involved. Just because they have beards, it doesn't mean they're terrorists."

"You're missing the point," I replied. "These are known al-Qaeda members getting fraudulent documents. Surruri and Murakah already admitted it. And, yes, they are terrorists." The next time we spoke to Surruri and Murakab, Ansi yelled at them for speaking directly to us rather than to Yemeni interrogators and slapped Murakab.

Ansi later complained that, by talking directly to suspects, we were violating the rules agreed upon by David Kelley and the judge, as the rules spelled out that we were to ask the Yemeni officials our questions for them to repeat. But this system soon broke down: once we had established rapport with the Yemeni interrogators, they saw no reason for us not to ask questions directly. It was comical for me to ask a question in Arabic and then for the Yemenis to repeat it; it made no sense and just wasted time. Even the suspects got frustrated.

Our problems with Ansi continued to multiply. One day, when I arrived with FBI agent Andre Khoury to conduct interrogations, a PSO guard told us apologetically, "Sorry, there will be no interrogations today." I asked why. "Hussein Ansi told us so." Again I asked why. "We don't know. That's just what he ordered us to say."

Andre and I went looking for Ansi and found him at his desk, reading the Quran. "Good morning, Hussein," I said to him as pleasantly as

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I could. "We were told there would be no interrogations today. What's going on?"

"I am busy today," he replied, a smirk briefly crossing his face.

"I can see," I said, pointing to the Quran. "It is heavenly work you are busy with." He smiled. "So we can't talk to suspects today?" I asked.

"No," he replied. We both smiled, continuing the pretense.

I started walking around his office. His desk was opposite the door; chairs and couches surrounded it. Behind were bookshelves filled with memorabilia, books, and binders. I paused in front of one of the bookshelves. Ansi tried to look at the Quran but kept nervously glancing up to see what I was doing. I pretended not to notice him looking and started removing memorabilia and books, as if I were interested in their content. After taking out something, I would deliberately put it back in the wrong place. Andre did the same.

"Don't touch my things," Ansi said after about a minute, his eyes flashing in anger. It apparently drove him crazy that we were ruining the organization of the shelves.

"He has nothing else to do," Andre said with a smile, "so he is going to mess up your office until you give him something to do."

"Okay, okay," Ansi replied. "You have access to the prisoners."

"Thank you, Hussein," I replied with a smile.

During our interrogation of Quso we also covered his activities during the week before the bombing. On the day before the *Cole* attack, he said that he was at Ibn al-Qayyim Mosque in al-Burayqah and that four brothers from Sanaa had walked in. One of them, Abdullah al-Rimi, he'd known since 1994, when they had studied at Sheikh Aqeel University; in subsequent years, Rimi had become an important al-Qaeda recruiter. Quso greeted them and invited them to his residence, Bayt al-Shabab—the House of Youths. The al-Qaeda guesthouse operated under the claim of *da'wa*, a calling for the faith. Fellow al-Qaeda members and potential recruits could linger and talk.

The men accepted his invitation and stayed for a half-hour, drinking tea. Another operative, Yasser Ahmad Qassem, came as well and spoke to Rimi privately. Rimi, Qassem, and a driver departed, while Quso left

the house to arrange for lunch at the house of Yasser al-Azzani, a known al-Qaeda operative. After the noon prayer they all gathered at Azzani's. Other local al-Qaeda operatives joined them, including Ahmad al-Shini and Mohammed al-Durrama.

One discussion at lunch centered on funding jihad, and some of those present accused Rimi of "favoritism" with regard to expenditures and allocation of funds. Quso initially agreed, until Rimi said that, as he worked hard to raise the money from donors, he was free to decide how to spend the money. Quso agreed that it was a valid point. Rimi then told Quso that they wanted to go swimming in the sea, and everyone but Quso went off to find trunks. Following the afternoon prayer, Quso returned from the mosque and was told that the visitors had already gone back to Sanaa.

When Quso described this occasion, at first it sounded to us like a good-bye luncheon for the *Cole* bombers. He identified a photo of Musawa and said that he had been present; by now we identified him as Hassan al-Khamiri, using the alias Abu Ali. That wasn't the only connection between the luncheon and the attack: another of the guests had fought, in Afghanistan, under Taha al-Ahdal, who was meant to be the *Sullivans* suicide bomber. If the luncheon was a final send-off for the bombers, it would have meant that many in Yemen had had advance knowledge of the attack and of the fact that the *Cole* was coming. When we looked further, however, we found that Rimi was simply trying to get fraudulent passports for al-Qaeda terrorists for future operations. There was no apparent direct operational connection between the lunch and the *Cole* attack.

After covering Quso's path to al-Qaeda and his actions in the days before the *Cole*, we broadened the discussion to cover the months prior to the *Cole*. One episode stood out, although to Quso it wasn't a big deal, which is perhaps why he didn't see any problem in telling us about it. In late December 1999, Quso had received a phone call from Khallad, whom he knew well from Afghanistan. The two men had become so friendly there that at one point they had even discussed Khallad's marrying Quso's sister, although that didn't end up happening.

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Quso described Khallad as having a slight build, thick hair, a Saudi accent, a full beard, and "pretty eyes," which matched my own observation, based on the ID Qamish had shown me—except for the beard: though the operatives tended to have beards while they were in Afghanistan, when they traveled for operations they cut their beards to try to blend in. Khallad claimed to be twenty-five, but Quso thought that he was older. The two had remained in contact even after Quso had left Afghanistan, and Khallad had told Quso that if he ever wished to return, Khallad's father, Mohammed bin Saleh bin Attash, would fund his trip.

Khallad had an important favor to ask Quso. Khallad's father had sent \$36,000 from Saudi Arabia to an al-Qaeda operative named Ibrahim al-Thawer, alias Nibras, in Sanaa. We were still unaware, when we interrogated Quso, that Nibras was one of the *Cole* suicide bombers. Quso knew Nibras from Afghanistan; they had fought on the same front and at one point had stayed in the same guesthouse. (Nibras had also fought in Bosnia.) According to Quso, Khallad said that the money was for a new prosthesis. Khallad was in Asia at the time, and he had told Nibras to take the money to Singapore, where he'd meet him and collect it. But Khallad felt that, for customs reasons, \$36,000 was too large an amount for Nibras to carry alone. Without hesitation Quso agreed to help.

As Quso told us about the phone call, his tone and demeanor livened up. It was clear that he was proud of his connection to Khallad, an important al-Qaeda member, and of the status conferred upon him by Khallad's having enlisted his help.

Quso went to Sanaa, and he and Nibras had dinner and discussed the trip. Nibras told Quso to shave and to wear trousers (instead of the traditional Yemeni garb) in order to blend in and not attract attention at the airport. They had to be careful, he warned, especially as they already had Pakistan entry and exit stamps on their passports from their time fighting in Afghanistan. Quso returned to Aden, waiting for Nibras to finalize their tickets.

On January 4, 2000, they set off for the airport. (Quso thought that the driver was a relative of Nibras's, possibly his uncle, Abu Saif—the leader of the al-Qaeda cell in Sanaa who, in October 2003, would be killed in a confrontation with the Yemeni authorities.) The two divided

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the \$36,000 between them, Quso putting \$9,000 in one trouser pocket and \$7,000 in the other. They flew to Bangkok via Abu Dhabi, and from there they planned to head to Singapore, having been told by their travel agent in Sanaa that they could purchase visas for Singapore in the airport in Bangkok. That turned out to be untrue, and after several attempts to negotiate with Thai authorities in their limited English, they gave up. Stuck in Bangkok, they negotiated a thirty-day visa to stay and checked into the Washington Hotel.

From there they called Abu Saif in Sanaa and told him what had happened; they assumed that Khallad might have called him when they had failed to show up in Singapore. They told Abu Saif that they would wait in the hotel until they received further instructions. Quso also phoned his family and gave them the same message in case Khallad contacted them. Khallad, however, also didn't know that a visa was needed in advance to enter Singapore, and he, too, was turned back-at the Kuala Lumpur airport he was departing from. He called Nibras's uncle, who updated him on what had happened to Quso and Nibras. Khallad got in touch with Quso and Nibras at the Washington Hotel and told them to stay put; he would come to them. In passing, he mocked them for not getting visas, neglecting to mention that he had made the same mistake.

Khallad arrived in Bangkok the next day. He embraced Quso and Nibras warmly and, when they had handed over the \$36,000, thanked them for their help, whereupon the two couriers purchased new tickets and returned to Yemen.

The story left Bob and me puzzled. Why, in the midst of planning an attack as big as the bombing of the USS The Sullivans, would al-Qaeda transfer \$36,000 out of Yemen? Quso's explanation that the money was for a new prosthesis for Khallad seemed highly unlikely; they usually didn't cost more than \$2,000. We sent a lead to the FBI agent based in Bangkok, suggesting that he go to the Washington Hotel to investigate. At the same time, we checked phone calls made between the hotel and Abu Saif (Nibras's uncle) and were able to determine which room

in the hotel Quso and Nibras had used. Next we ran a reverse dump (checking incoming calls) on Quso's Aden number, Abu Saif's Sanaa number, and the phone number of the Washington Hotel room they had stayed in, and found that they were all in contact with a number in Kuala Lumpur. After further investigation we determined that the Kuala Lumpur number was a pay phone.

This, we deduced, must have been where Khallad was contacting them from. What was Khallad doing in Malaysia? And was this pay phone something al-Qaeda regularly used? We didn't know the answers, so we asked the CIA-the U.S. government entity responsible for gathering intelligence outside the country.

At each step of our investigating the Yemen-Bangkok-Malaysia connection, every time we gained an important lead or had new questions, we sent the CIA an official request (through the director of the FBI) asking if they had information. (It is standard procedure for any official request from the FBI to the CIA, or vice versa, to go through the office of the director. This doesn't mean that the director personally signs off on it or sees it, but it means, rather, that it is an official, highlevel request.)

It was in November 2000 that we asked the CIA whether they knew anything about Khallad being in Malaysia or about an al-Qaeda meeting there. The CIA responded (also through the official channels) that they didn't know anything about al-Qaeda gatherings in Malaysia, and suggested we ask the National Security Agency. The NSA didn't have the answers for us, either.

In April 2001, after our Legat's investigations turned up the pay phone number in Kuala Lumpur that we had by then determined had probably been used by Khallad, we sent the CIA a second official request-called, in the FBI, a teletype-asking if they knew anything about the number. This request again went through the office of the director. No response came.

Our third official request was sent in July 2001, when we learned some new details. (Each new request was sent because we had new details or questions, not because we suspected the CIA hadn't responded

truthfully to our previous inquiries.) Again we asked if they knew anything about Khallad and al-Qaeda being in Malaysia or about the phone number. No information was passed along to us.

Notwithstanding our successes in the interrogation room, the security situation in Aden deteriorated, as protests against our presence by Yemeni clerics and parliamentarians multiplied, as did the death threats. Sources told us with increasing frequency that al-Qaeda operatives in the country were plotting to strike at us, including a cell that had traveled to Aden with that purpose. By June 2001 the situation was judged by headquarters to be so dangerous that those of us remaining in the country moved from Aden to Sanaa—viewed as a safer location. The Yemenis agreed to transfer the suspects we needed to interrogate to Sanaa.

We initially stayed at the Sheraton Hotel, but as the threats only continued to increase in number—and as the cell that had moved to Aden to attack us had reportedly followed us to Sanaa—we moved to the U.S. Embassy. Another change we made was to hold our interrogations at night; and we traveled in unmarked cars. We also helped the Yemenis track down the cell threatening us, and in June they arrested eight men whom they accused of plotting to bomb the U.S. Embassy and attack us and Ambassador Bodine.

Staying in the embassy was far from an ideal situation; space and services were limited. We slept on the floor and showered in Marine House, where the marines live within the embassy compound. The cafeteria couldn't prepare enough food, so we had to order from outside, befriending a Lebanese restaurant owner, who delivered meals every day.

Ambassador Bodine ordered that every member of the FBI and NCIS investigation team pay five to ten dollars a day to the embassy cleaning staff. This came out of our pockets; the FBI doesn't pick up the tab when agents stay in an embassy or any government facility. FBI and NCIS headquarters were furious that an ambassador would charge agents for sleeping on the floor of an embassy. The cost didn't bother

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us; what mattered was that it left us feeling that we weren't even welcome in our own embassy.

With our long guns locked in the embassy safe by order of Ambassador Bodine, we got around their absence in two different ways. The marines in charge of the safe deliberately left it unlocked in risky situations so we could access the guns if needed. They had again included us in their training, and so needed us to have easy access. Fellow FBI agents like Don Borelli took shifts on the roof of the embassy. Some embassy personnel also purchased long guns at the local market, joking about how easy it was for anyone to get a gun in Yemen, unless you were a U.S. official who needed it more than anyone else.

Meanwhile, on June 11, 2001, a CIA official, Clark S., went with Maggie G., an FBI analyst assigned to the CIA's bin Laden unit, and Dina Corsi, an FBI analyst stationed at bureau headquarters in Washington, DC, to meet with members of the USS *Cole* team in New York. They said that they had some questions about the case. I was in Yemen, but Steve Bongardt, my co-case agent, was in New York, and he led the team.

For the first few hours of the meeting, Steve and the team briefed the three visitors on progress made in the investigation. Once they had finished, at around 2:00 PM, asked Dina to show photographs to the *Cole* team members. She put three crisp surveillance pictures on the table in front of them.

We learned months later that Dina had been given the three pictures by Tom Wall, a CIA official, and that she had been told only that they had been taken in Kuala Lumpur, and that one of the men in them was named Khalid al-Mihdhar. She had not been told who he was or why the CIA was monitoring him. Tom, we later learned, was fishing to see if the FBI knew anything about the men in the photos.

asked Steve and the team whether Fahd al-Quso was in any of the pictures, and whether they recognized anyone else. Quso wasn't in any of the three pictures, Steve said after studying them, and they didn't recognize anyone else.

Steve then fired off a series of his own questions: "But who are these guys? Why are you showing these pictures to us? Where were they taken? Are there other pictures? What is their connection to the Cole?"

He was told that they couldn't tell him, and when he asked why, he was told that it involved "information that can't be shared with criminal agents." Dina later said that annotations on the reports indicated that they couldn't be shared with criminal investigators without permission from the Justice Department's Office of Intelligence Policy and Review. (The 9/11 Commission later reported that Dina had never sought OIPR approval. Either way, she could have shared the information with Steve, as he was a designated intelligence agent.)

Steve and the team started arguing back—it was the same wall that Steve had gone up against when he was in Yemen—and a shouting match ensued. Steve and the team tried to convince and cajole to share the information. As far they knew, the pictures were somehow relevant to our investigation in Yemen. Why else would the CIA be coming to the *Cole* team and asking about Quso? Who were the men, and what was the meeting that the CIA had monitored? Was there another plot we should be aware of?

Steve and the team argued harder, in part because of the threat those of us still in Yemen were under: we had moved to Sanaa from Aden because of the threat to our lives, and now it was reported that the threat had followed us to Sanaa. Perhaps the men in the photos were part of that threat. Or perhaps they could help with final pieces of the *Cole* puzzle, allowing us to come home sooner.

"One of these men is named Khalid al-Mihdhar," Dina eventually said.

"Who is Khalid al-Mihdhar?" Steve asked. "Why have you been monitoring him? Can you tell us anything about him?"

Silence.

"What's his passport number? Do you have his date of birth?" Silence.

Steve and the team were desperate for any information. A name alone isn't much help when you are trying to search for someone about whom you know nothing—someone who could be anywhere in the world.

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refused to provide any information, and eventually he, Dina, and Maggie left.

For the next few weeks and months, Steve contacted Dina, asking for more information. Each time, she told him that, according to the "rules," she couldn't share information with him. He protested up the chain of command—to headquarters—but was told to "stand down." (After 9/11, told investigators that he had asked if he could share the information with the FBI, but that his superiors in the agency had never responded.)

It wasn't only Dina who misunderstood the rules regarding information sharing. The problems were right across the U.S. government, and they were to the point of being absurd. In February, Steve had been at a meeting in Yemen with Yemeni officials and Howard Leadbetter, who was on a thirty-day rotation as the FBI commander. At some point Leadbetter asked Steve to step out of the meeting while he spoke to the Yemenis about some intelligence.

"Come on, if the Yemenis can know it, I can know it," Steve said. "Sorry."

One day in Sanaa—we had been there for about a week—we were told that we were to be evacuated from Yemen. New, verified threats had surfaced that all those in residence would be assassinated—Bob McFadden and I, the ambassador, the shredded all our documents, packed up all our gear, and boarded cars to head for the airport.

But the gates of the embassy wouldn't open. The head of the Marine Security Guard (MSG), responsible for guarding the embassy, apologetically told us that he had received a call from the State Department's regional security officer, who said that Ambassador Bodine had ordered that the gates not be opened until she had spoken further about it with the deputy secretary of state, Richard Armitage. "I'm sorry, it's nothing personal, but these are my orders," the MSG head told us. We had a good relationship with the marines. They had asked us to help them in their drills to secure the embassy, and so we often trained with them. We took turns on guard duty. With all nonessential personal gone from the

embassy, they needed all the help they could get. We had readily pitched in, and a friendship developed between us. But here they had no choice: the ambassador was their boss.

Mary Galligan, who was doing the thirty-day rotation in charge of the FBI contingent, and Steve Corbett, NCIS on-ground commander, went to speak to Ambassador Bodine, who told them that the message sent by everyone's leaving the embassy would be damaging to our relationship with the Yemenis. However, she told Mary and Steve, if Bob and I stayed, she'd let everyone else leave. That way, she reasoned, the Yemenis would take comfort: she knew that they liked us.

Bob and I were prepared to accept this deal, and Mary conveyed that to FBI headquarters. "No, one team, one fight," the message came back. In addition, they reported that Bob and I were on the top of the target list for the terrorists, who knew that we were the ones spearheading the investigation and interrogating their operatives.

The director of the FBI called the secretary of state and explained the situation. The secretary intervened, and Ambassador Bodine was ordered to unlock the doors and let us leave. We flew to Fort Dix, where John O'Neill and Kenny Maxwell were waiting for us, and we drove with them back to New York City.

It was frustrating to be out of Yemen. Despite the threats, we had made important progress in the *Cole* investigation, and we had enough evidence to start prosecuting Badawi and Quso. Moreover, the real threats that prompted us to leave were a strong indication that al-Qaeda was still strong in Yemen. We needed to track those people down. There were other people that the Yemenis had in custody, ostensibly unconnected to the *Cole* bombing; we wanted to interrogate them because of their importance to al-Qaeda. High on this list were bodyguard Abu Jandal and al-Bara, Khallad's brother.

Then there was the lingering issue of Khallad and Malaysia. We kept asking the CIA about it, and they continued to insist that they didn't know anything about it. We wanted to try to investigate that further. Because of all these questions and issues, we kept pressing headquarters to grant us permission to go back.

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In August we got the green light and returned to Yemen to meet with their officials to discuss terms for the FBI and NCIS team to return in safety to the country. I went with Kenny Maxwell and other officials to Sanaa to speak to the Yemenis. It was Kenny's first time in Yemen.

Ambassador Bodine was pleased to see the FBI reengaging in Yemen, and she offered the assistance of the mission to accomplish this goal. The long gun issue was still a point of contention, but by now no one could ignore the true nature of the threat. Bodine agreed that long guns could be carried, but only by agents from the Diplomatic Security Service (DSS), who would guard us.

The second item on the agenda was to find a secure location for the team to be based. Ambassador Bodine's deputy showed us an apartment in the Russian City area of Sanaa. Playing the tour guide, he pointed to a room where "you sit on the ground, talk about your day, and chew qat." We explained to Kenny that qat is an addictive drug, illegal in the United States but common in Yemen. About the fifth time the State Department official had mentioned, in utter seriousness, how convenient the apartment was for chewing qat, Kenny couldn't contain himself. He looked at the official, then at me, disbelievingly, and said without a trace of emotion, "Isn't that wonderful." Here we were, trying to restart the investigation into the murder of seventeen U.S. sailors, and the guy kept talking about the pleasures of chewing qat. "Welcome to Yemen," I said to Kenny with a sad smile as we walked out.

Kenny is a big Irish guy, a former state trooper, and he comes from a long line of law enforcement officials. He's straitlaced and absolutely focused on the job, and while he has a sense of humor, when the topic is national security he won't mess around. After meeting with the Yemenis, we returned to New York, and John O'Neill came over to JTTF and asked Kenny how he had enjoyed his first visit to Yemen. Kenny replied, "John, I don't know what you've been talking about with regard to problems with the ambassador. She strikes me as such a wonderful lady. She asked me to teach a class in Santa Barbara"—Ambassador Bodine's hometown. John gave him the finger, grinned, and walked out.

...

John's last act in the FBI was to sign an order for our return to Yemen. The last time I saw him was on August 22, 2001, his last day at work.

He had decided to leave the bureau because of mounting frustration with the way things were being run. He was upset that headquarters wasn't more forcefully supporting our efforts to investigate the *Cole*. He complained that the bureau had become a timid bureaucracy, too afraid to push when necessary and get things done, and he warned that lives would be lost.

John also had an investigation hanging over his head. In July, while attending an FBI conference, he received a page and removed himself to another room to take it. Thinking he'd be back in a few minutes, he had left his briefcase in the room full of FBI officials. His call took longer than expected, and when he returned, the other agents had left and his briefcase was missing. It contained some classified e-mails and a sensitive report on national security operations in New York. The director of the FBI and the attorney general were notified.

The briefcase was found a few hours later, and while some personal items had been stolen, none of the documents had been removed. A fingerprint analysis revealed that the documents had not been touched. Nonetheless, the Justice Department ordered a criminal inquiry.

The lack of support that the bureau gave him on this issue, coupled with everything else, made him feel that it was time for him to leave. He had been offered a well-paying job as the head of security for the World Trade Center. It was a sad decision for him, as he loved the bureau and the work we did.

John and I walked to Joe's Diner, across the street from our offices, and John ordered a ham and cheese sandwich. "You don't want to change your infidel ways?" I joked, pointing to the ham. "You'll go to hell."

I told John that I was planning to propose to Heather, my girlfriend. In the past, John had been critical of marriage. It probably didn't help that his own personal life was tangled and messy. But this time there were no anti-marriage barbs from him. Instead he simply said: "She has put up with you all this time. She must be a good woman."

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John then showed me an e-mail he had written to Lou Gunn, whose son, Cherone, was killed on the USS *Cole*. It read, in part: "Today is my last day. In my thirty-one years of government service, my proudest moment was when I was selected to lead the investigation of the attack on the USS *Cole*. I have put my all into the investigation and truly believe that significant progress has been made. Unknown to you and the families is that I have cried with your loss. . . . I will keep you and all the families in my prayers and will continue to track the investigation as a civilian. God bless you, your loved ones, the families and God bless America."

"Don't be a stranger," John said as we said good-bye outside the diner. "Remember, I'm only down the road."

"I'm not sure they'll let me visit you," I said with a smile, referring to FBI officials in headquarters who didn't like John.

"Fuck them," he said with a half-grin, half-frown, and after giving me a hug he walked off down the street.

The next day, on August 23, 2001, Maggie Games sent a message to the FBI, Customs, and the State Department asking that two individuals, Khalid al-Mihdhar and Nawaf al-Hazmi, be watchlisted, meaning that they'd be arrested if they attempted to enter or leave the United States.

Earlier in the summer, she had been asked by Tom Wood to look through materials the CIA had related to Khalid al-Mihdhar "in her free time." She had started looking at the end of July and continued through August. Maggie had found a cable noting that Mihdhar had a U.S. visa, and a second cable noting that Nawaf al-Hazmi, labeled an associate of Mihdhar's, had flown to Los Angeles in January 2000. On August 22 Maggie went to the INS to investigate further and discovered that Mihdhar had entered the United States on January 15, 2000, and then again on July 4, 2001. She reported back to and also the information to Dina Corsi.

Dina sent an e-mail to Jack Cloonan, the acting supervisor of the I-49 squad. Labeled "IT: al Qaeda" (IT standing for International Terrorism), the e-mail asked that the squad investigate whether Khalid al-

Mihdhar was still in the United States. Her message stated that because of Mihdhar's possible connection to the *Cole*, he was a threat to national security. Beyond that, the e-mail gave no real details about Mihdhar or his connection to al-Qaeda. Dina also wrote that only intelligence agents could be involved in the search. However, she accidentally copied Steve Bongardt on the e-mail. He called her as soon as he had read it.

"Dina, you've got to be kidding me. Mihdhar is in the country?" He could hardly contain his anger.

Steve remembered the name from the June 11 meeting and the stonewalling he and the team had received. As far as he knew, based upon what had been implied by the June 11 meeting, Mihdhar was somehow connected to the *Cole*, which made him a threat to the United States. Now Steve was being told Mihdhar was in the United States. How had the FBI not been told?

"Steve, you've got to delete that," Dina replied nervously. "We'll have a conference call about it tomorrow."

Dina called the next day, with a senior CIA official also on the line. Steve was told by the senior official that he had to "stand down" regarding Mihdhar. He was furious to hear—again—that this was intelligence that couldn't be shared with criminal agents.

"If this guy is in the country, it's not because he's going to fucking Disneyland," Steve retorted.

"Stand down," the senior official replied.

The following day, Steve sent Dina an e-mail: "Whatever has happened to this—someday someone will die—and wall or not—the public will not understand why we were not more effective and throwing every resource we had at certain 'problems.' Let's hope the National Security Law Unit will stand behind their decisions then, especially since the biggest threat to us now, UBL [Osama bin Laden], is getting the most 'protection.'"

Only FBI personnel, and Steve Corbett and Bob McFadden of NCIS, returned to Yemen in late August 2001; the NYPD and City Hall decided that it was too dangerous to send their people. The head of our team was my old supervisor Tom Donlon, and we stayed at the Sanaa Sheraton.

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Delegations from Washington occasionally visited us. Alabama senator Richard Shelby and his wife, Annette, stayed in the ambassador's house. I was invited to join them for dinner, and during the meal I briefed them on the *Cole* investigation and what we were doing in Yemen. As I was leaving the residence, Senator Shelby walked out with me, and, putting his arm around my shoulders, said, "You have to promise me something."

"What is that, Senator?"

"Don't leave the FBI before you finish investigating this case."

"I'm not planning on it, sir."

While FBI headquarters was barely on speaking terms with Ambassador Bodine, I always had a cordial relationship with her. Her anger was primarily directed at John and others. As the case agent, I tried to keep my eyes on the ball, and she was always kind and polite to me.

One evening in the embassy, during a conversation, she told me that she had been in Kuwait when Saddam invaded, launching the first Gulf War. She hadn't felt unsafe then, she told me; nor did she feel unsafe in Yemen. The only time she had felt unsafe in her life, she continued, was when she took part in a protest in Santa Barbara and a policeman held a gun to her face and told her to go home.

What surprised me most about Ambassador Bodine was that she attacked the FBI in the pages of the Washington Post years later, in May 2008, when the Yemeni government released some of the terrorists responsible for the Cole bombing—terrorists we had helped lock up. Instead of holding the Yemenis accountable, she was quoted as saying that the FBI had been slow to trust Yemeni authorities and had been "dealing with a bureaucracy and a culture they didn't understand. . . . We had one group working on a New York minute, and another on a 4,000-year-old history."

It was shocking to read those words, especially given the centrality of the *Cole* to the 9/11 attacks. I responded in an opinion piece: "In fact, our team included several Arab American agents who understood the culture and the region. Even so, such comments were irrelevant. The FBI left Yemen with the terrorists in jail. It is true that while tracking the

terrorists we worked 'on a New York minute.' We owed that much to the sailors murdered on the *Cole* and to all innocent people who remained targets as long as the terrorists were free. It is also true that we did not trust some Yemeni officials. We had good reason not to." The Yemenis themselves later reluctantly admitted that our distrust of some officials was merited: after Quso and Badawi "escaped" from jail in April 2003, we pressured the authorities to look into the matter, and Hussein Ansi was arrested, questioned, and sacked (but they never prosecuted him).

The difficult relationship we had with Ambassador Bodine was no secret to the Yemenis, who knew that if they had any problems with us they could turn to her. This often undermined progress. Many Yemeni officials were even sympathetic to us in this situation. One day, while I was interrogating a suspect, the head of President Saleh's security team, Naji, came running into the room and said, "Can I talk to you outside?"

I stepped out, thinking it must be important. "Well," he said with a grave look on his face. "I don't know quite how to say this to you, but a plane has been hijacked."

"What plane?"

"Your ambassador is on the plane."

"What's the situation? Is she okay?"

"It's all okay," he replied. "It was some crazy guy. He didn't even know the ambassador was on board. And while he was in the cockpit, all the passengers escaped via one of the emergency doors. The hijacker was then hit over the head with a fire extinguisher by a crew member." Naji couldn't contain a big smile at this point. He found it highly ironic that Ambassador Bodine had been hijacked when she downplayed our concerns about safety. Naji was also fond of John and knew he hadn't returned because Bodine wouldn't give him clearance.

We had seventeen main reasons for returning to Yemen and pressing ahead despite the death threats and all other complications. They were:

Hull Maintenance Technician 2nd Class Kenneth Eugene Clodfelter

Electronics Technician Chief Petty Officer Richard Costelow

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Mess Management Specialist Seaman Lakeina Monique Francis

Information Systems Technician Seaman Timothy Lee Gauna

Signalman Seaman Cherone Louis Gunn

Seaman James Rodrick McDaniels

Engineman 2nd Class Marc Ian Nieto

Electronics Warfare Technician 2nd Class Ronald Scott Owens

Seaman Lakiba Nicole Palmer

Engineman Fireman Joshua Langdon Parlett

Fireman Patrick Howard Roy

Electronic Warfare Technician 1st Class Kevin Shawn Rux

Mess Management Specialist 3rd Class Ronchester Manangan Santiago

Operations Specialist 2nd Class Timothy Lamont Saunders

Fireman Gary Graham Swenchonis Jr.

Ensign Andrew Triplett

Seaman Craig Bryan Wibberley

Those are the seventeen U.S. sailors who were murdered on the USS Cole by al-Qaeda. Each of their names alone was justification enough for our being in Yemen. And until their murderers were tracked down and justice was served, we did not feel that we could rest. We owed it to each one of these sailors and their families to find their killers. Those of us from the FBI, the NCIS, the CIA, and the military who investigated the Cole bombing believed that no American death should go unpunished. America sitting idly by would be a message to future terrorists to strike without fear of reprisal.

To this day what keeps me awake at night is the disgraceful way that so many in the U.S. government treated the memory of the sailors. I cannot understand the lack of support for our investigation. For reasons unknown, both Democrats and Republicans in the White House and in senior government positions tried to ignore what had happened to the USS Cole. Families of the murdered sailors told me with sadness that President George W. Bush refused to meet with them.

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Bin Laden's Errand Boy

Walid bin Attash, or Khallad, was as close to being al-Qaeda royalty as possible. His father was friends with bin Laden, Abdullah Azzam, and Omar Abdul Rahman, the Blind Sheikh. His older brother, Muhannad, had been a trusted bin Laden lieutenant and pivotal in the recruitment of the Northern Group. Khallad himself had joined al-Qaeda in 1994, when he was only fifteen.

A defining moment in Khallad's life had come in 1997, when he and Muhannad, along with other al-Qaeda fighters, had fought with the Taliban against the Northern Alliance at Murad Beg, north of Kabul. Muhannad had been killed in the battle, and Khallad had lost his left leg when a howitzer misfired, releasing shrapnel into it. He had been rushed from the battlefield to a hospital, but the leg could not be saved and was amputated below the knee.

He had received a prosthesis from an NGO, but it hadn't fit properly and had left him in severe pain. Khallad had already been plunged into a state of depression over the death of Muhannad, and his leg pain had caused even more anguish. Al-Qaeda had sent him to Karachi for therapy, accompanied by his younger brother, al-Bara, who had fought

with him at Murad Beg. They had spent the afternoons at the beach in Karachi, with al-Bara pushing Khallad in a wheelchair.

Khallad's misery had been relieved by the arrival of a personal letter from bin Laden, praising both his dedication to the cause and Muhannad's martyrdom. Khallad had resolved to take his brother's place as a central al-Qaeda figure. He was inordinately proud of having received a personal letter from the emir, and he treasured it.

On his return to Afghanistan, Khallad had dedicated himself to al-Qaeda, picking up another alias, Silver, after Long John Silver, the infamous one-legged pirate. He had first worked as a bodyguard and had carried out administrative duties for bin Laden, Saif al-Adel, and other senior al-Qaeda leaders. Over time, he had been given more responsibilities, including personal missions for bin Laden, sometimes requiring months of travel. Bin Laden had come to value him; he was Muhannad's brother in every way.

Khallad became known in al-Qaeda circles as a trusted bin Laden aide. When other members wanted to see the leader, they would often approach Khallad and ask him to arrange a meeting. Among those he helped secure a private audience was Nibras. Khallad was always pleasant to others and was well liked by the brothers, who appreciated his sense of humor. Their only criticism was that he didn't offer much guidance to his own younger siblings, al-Bara and Omayer.

The two younger siblings were very close. As boys, they had been put on a plane by their father and sent to Afghanistan. Their father had not told them where they were going. Al-Bara had been involved in gangs in Saudi Arabia and had been sent to reform school. His family had worried that he would get into drugs and make life even worse for himself, and this had been their justification for shipping him off to Afghanistan to join bin Laden. They had feared the same would happen to Omayer.

When the young men had arrived in Afghanistan and had discovered where they were, they had become very upset. Al-Bara, especially, preferred to be in Saudi Arabia with his friends rather than within the strict confines of an al-Qaeda camp. In the guesthouse to which they were first taken, al-Bara had run to the bathroom and cried. Khallad

and Muhannad had soon joined them in Afghanistan, however, and had helped convert them to the al-Qaeda way of life. And, like Muhannad and Khallad, al-Bara and Omayer had been accepted into the inner circles.

At Murad Beg, al-Bara had gone missing behind enemy lines, and the Taliban had been forced to send a helicopter to the area to rescue him.

It was in early 1998 that bin Laden first seriously started thinking about launching a big operation targeting U.S. interests in the Arabia Peninsula. His first idea was to do four simultaneous bombings, targeting anything with a U.S. flag-oil tanker, cruise ship, military vessel-at four ports in Yemen. The ports of al-Hudaydah, Aden, Ash Shihr, and al-Mukalla would be suitable, bin Laden told al-Qaeda's shura council. He explained that the most important part was that the four actions take place simultaneously. That is what would grab the world's attention.

Yemen was chosen because its weak central government, loose borders, and easy access to weapons and explosives made it the easiest place in the region to target U.S. ships. Al-Qaeda had been using Yemen increasingly for operations. As a neighbor of Saudi Arabia, it provided a convenient place from which to smuggle Saudis out of Saudi Arabia to conduct operations elsewhere. Yemeni passports were also easily obtained and were used as cover, especially for Saudis, who would then go to Pakistan and Afghanistan. They didn't want those stamps on their real passports, as they would arouse Saudi authorities' suspicions. To get a passport in Yemen, all you had to do was show up at a local government office with two witnesses who confirmed your identity.

Bin Laden discussed his ideas with Khallad, repeatedly changing his mind about the nature of the operation as he read new information about the U.S. military. When he read that U.S. aircraft carriers carried four thousand soldiers and were nuclear-powered, he told Khallad that attacking one of them would be even more sensational than his first plan, and they started planning this operation.

They decided that al-Qaeda would need four boats to attack the four boats that bin Laden had read protected each carrier. Then they'd Bin Laden's Errand Boy . 257

need a big boat to attack the carrier itself. Khallad started researching the best type of boats for the operation, and he learned what boats locals used in Yemeni ports so that al-Qaeda's attack boats would blend in and not attract attention.

By their next discussion, bin Laden had changed his mind again. He had read that U.S. destroyers on their way to Iraq refueled in Yemen. The symbolism of hitting one of those ships would be even greater, he had decided. Khallad liked the idea and told bin Laden that he wanted to be one of the suicide bombers for the operation. Bin Laden said that he would see. In the meantime, he sent Khallad to Yemen to study the ports in the south of the country-Aden, Ash Shihr, and al-Mukalla. He sent Nashiri to do the same type of research in the northern port of al-Hudaydah. Bin Laden didn't tell Khallad and Nashiri that they were casing for the same type of operation.

Khallad and Nashiri had become two of bin Laden's top operatives, and so it was natural that he tasked them with the casing. Both were born in Saudi Arabia and were of Yemeni descent. Khallad's father had been thrown out of Yemen because of trouble he had caused with the then-communist South. He had been born into the bin Yusifi, a prestigious tribe. Bin Laden calculated that if Khallad got into trouble with Yemen, he could rely on the family name to help him. The al-Qaeda leader was savvy in manipulating tribal advantages.

Independently of each other, Nashiri and Khallad busied themselves researching the ports that bin Laden had sent them to. They noted the types of local boats used, the security in the area, and whether any U.S vessels docked there. They also traveled around, looking into purchasing boats and explosives. When they passed through Sanaa, they stayed at Bayt Habra, the al-Qaeda guesthouse. Eventually their stops there overlapped.

They knew each other well. Both were part of the Northern Group, and both had become al-Qaeda special operations people. In any case, with fewer than four hundred members, al-Qaeda was a small organization—everyone knew everyone else. During their conversation they learned that they were working on the same operation. It didn't surprise

them that bin Laden hadn't told each of them about the other. Al-Qaeda operated that way: if one cell was broken, the others wouldn't be compromised, and the mission could still be carried out.

They parted ways and completed their initial research, and then both returned to Afghanistan and reported to bin Laden. They had reached the same conclusion: no ports other than Aden hosted U.S. ships. Bin Laden told them to focus together on an operation in Aden.

Bayt Habra was also frequented by al-Qaeda operatives who were in Yemen to get fraudulent passports. Two of the operatives in residence with Nashiri and Khallad were Hassan al-Khamiri and failed Nairobi bomber Mohamed Rashed Daoud al-Owhali. When Owhali's father needed to contact him in Yemen, he reached him at the guesthouse. Khamiri's application for a Yemeni passport used the telephone number of the guesthouse as its contact number.

Nashiri helped Owhali get the fraudulent passport that he used for the 1998 East African embassy bombing operation. Owhali later said that while he was in the guesthouse, he overheard Nashiri discussing a plot to attack an American ship in Yemen with Katyusha missiles while it was in port.

In the summer of 1998, as the date of the East African embassy operation was nearing, bin Laden ordered Nashiri and Khallad to return to Afghanistan. He wasn't sure what America's response to the attacks would be, and he didn't know if the United States would pressure Yemen and other countries that al-Qaeda operated from to crack down on its operatives; and he didn't want to take any chances. Nashiri and Khallad did as they were told.

When they arrived in Afghanistan, bin Laden instructed them to help prepare Owhali and Jihad Ali (Nashiri's cousin) for the bombings. Khallad secured plane tickets and made travel arrangements and worked with the young men on their martyr videos. On bin Laden's instructions, he told them to say that they were members of "the Islamic army to liberate the holy places." They hadn't heard that before; it was something new, made up by bin Laden. Their first few practice recordings had to be discarded because each time they attempted to say the phrase, they started laughing. They had to redo the video a few times until they were able to get through the script with a straight face.

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In January 1999, after U.S retaliation for the 1998 embassy bombings appeared to have ended, bin Laden told Khallad and Nashiri to return to Yemen. Now Khallad set up his base in Sadah, a rugged area near the Red Sea and the Saudi border. It is viewed as no-man's-land and, with weapons and explosives readily available, is a major Yemeni connection to the Saudi smuggling market. Nashiri, in the meantime, worked with Taha al-Ahdal.

Nashiri and Khallad occupied themselves with collecting explosives, a process Khallad had started on his first trip to Yemen. He had enlisted the help of the well-known dealer Hadi Dilkum, whose Yemeni government connections made him a valuable ally. As Khallad was making these arrangements, bin Laden instructed him to try to acquire a U.S. visa. Another operation—the "planes operation"—was being planned, and al-Qaeda needed to get operatives into the United States for it. In April Khallad applied for a visa using the alias Saleh Saeed Mohammed bin Yousaf.

His cover story for the visa application was that he needed to visit a medical clinic in the United States for a new prosthesis. A fellow al-Qaeda member had connected him with someone in the United States who had helped him find a "suitable" clinic. As he waited for confirmation of an appointment, he continued to run the boats operation, as it had come to be called, with Nashiri.

Khallad also decided to get fraudulent Yemeni identification papers to protect his identity. He applied for the fraudulent ID under the name Tawfiq Muhammad Salih bin Rashid. Dilkum was one of the witnesses who swore to the authorities that the name was valid. It was at this time that Khallad also bought, using the same fraudulent name, the ID that Qamish had handed over to us. Using that, and with Dilkum's assistance, he rented the space to store the explosives. Khallad also bought a boat in al-Mukalla.

In May, Khallad enlisted the assistance of an al-Qaeda operative based in Aden, Jamal al-Badawi. Khallad and Badawi had met and become close friends in Afghanistan. During their initial training at the Jihad Wal camp, Badawi had become very sick, and Khallad had taken care of him. From then on Badawi had felt a debt of gratitude to Khallad, and he had gone out of his way to help him whenever needed.

Khallad thought that Badawi would be of use in the boats operation. Not only was he an experienced fisherman, but he was a Yemeni and knew the Port of Aden. Khallad was sure that Badawi would readily agree to help him. The only problem was that they had lost touch with each other. Khallad knew to check the al-Jazeera Hotel in Sanaa, a favorite place for operatives to gather and socialize. On any given day, a couple of operatives would be there chatting and drinking coffee or tea. Khallad went to the hotel and greeted the operatives there. They told him that Badawi was working in the tractor business and could be found on the street where all tractor businesses were located; in Sanaa, companies are localized by type.

Khallad went to the street and found Badawi. The two men embraced. Badawi was pleased to see his old friend. Khallad told Badawi that he was working on an operation and needed his help, and Badawi of course agreed. Khallad told him that he needed a boat for the operation. It had to be approximately nine meters long, and it needed to look like the other boats in Aden so that it would blend in and go unnoticed. Badawi said he'd go to Jizan, Saudi Arabia, to get it. He explained to Khallad that among Yemenis Jizan was known to be an easier and cheaper place to find a boat of that size than Aden. It was a place where one could buy and sell repossessed and used boats. In addition, Badawi felt that from a security point of view, Jizan was safer. Aden was a relatively small community, and if Badawi turned up with a large sum of money to buy a boat, people would start talking, and the authorities might get suspicious.

Khallad also instructed Badawi—along with Badawi's brother, Hussein al-Badawi, and another operative, Mu'awiya al-Madani, who together formed his initial cell in Aden—to go to the port and watch Bin Laden's Errand Boy = 261

U.S. ships. They went out in a fishing boat and recorded how much time ships spent in the area. Nashiri and Ahdal did the same in al-Hudaydah. The two groups later compared information, calculating how long it took ships to travel from one part of Yemen to another.

At one point during these exercises, the Yemeni authorities picked up Nashiri, Mu'awiya al-Madani, and Hussein al-Badawi. The three were far out at sea and looked suspicious. They claimed that they were just fishermen who had gotten lost. The Yemeni authorities accepted their story and released them.

Khallad and Nashiri continued to work on accumulating explosives. When they had about five hundred to seven hundred pounds of matériel, they decided to move some of it from Sadah to al-Hudaydah. To effect the transfer, Khallad asked to borrow Dilkum's car one night. It was the action that would lead to his arrest. After packing the car, he pulled over at a bank of pay phones to make some calls. When he returned to the car he found himself surrounded by Yemeni PSO officials, who brought him in for questioning.

When Nashiri learned that Khallad had been arrested, he panicked, thinking that the Yemenis had learned of the plot. He fled to Afghanistan to inform bin Laden. "To Whom It May Concern of the Brothers in Yemen," the letter bin Laden sent the Yemeni authorities in response to Khallad's jailing, was said to have reached General Qamish, who passed it on to President Saleh. Released, Khallad reclaimed Hadi Dilkum's car, the explosives untouched.

The U.S. visa application that he had submitted before being jailed was rejected—not because of any terrorism connections but because of insufficient information on his form. Nashiri returned to Yemen with instructions from bin Laden. The al-Qaeda leader didn't want Khallad in Yemen anymore because the authorities were now focused on him. He was "too hot," and bin Laden didn't want to compromise the boats operation. Khallad was instructed to transfer full control to Nashiri. Having put a lot of work into the operation and grown excited about its potential, Khallad was keenly disappointed, but it was inconveivable that he would ever disobey an order from bin Laden. Using a refrigerated

truck, he helped Nashiri move a portion of the explosives from Sadah to Aden. In addition, he provided Nashiri with the names of all of his contacts in Aden, including Jamal al-Badawi and another operative, Salman al-Adani. Word went out that Nashiri was now fully in charge.

After he left Yemen, Khallad remained involved in the boats operation, acting as the liaison between bin Laden and Nashiri. To avoid detection, bin Laden never used e-mail or the phone, instead relying on a network of operatives in the field. Khallad regularly traveled from Kandahar, where bin Laden was based, to Karachi, where he'd speak on the phone to Nashiri.

Beyond acting as a liaison to Nashiri, bin Laden told Khallad that he wanted the rest of his time devoted to helping with the planes operation. Bin Laden said that the mastermind of that operation was a jihadist who had joined al-Qaeda after the East African embassy bombings, Khalid Sheikh Mohammed.

Khallad spent a lot of time in Karachi planning with KSM and also traveled around the Middle East and Asia to help with the plot. In September 1999, he administered a forty-five-day special course in hand-to-hand combat at al-Qaeda's Loghar camp to select trainees, including Khalid al-Mihdhar, Nawaf al-Hazimi, and Ahmed Mohammed Haza al-Darbi—all viewed as promising recruits.

Al-Qaeda's decentralized system of management meant that once bin Laden decided who would be in charge, it was left to that person to work out the details. Bin Laden only instructed Nashiri that Salman al-Adani and Taha al-Ahdal would be the suicide bombers for the boats operation; Nashiri was in charge of making all the other decisions. He would relay them through Khallad to bin Laden for his sign-off.

Nashiri had felt, since the end of the summer, that they were ready to attack the next ship that entered Aden harbor. He and Khamiri had carefully surveyed the port for possible launch points. Finally, on January 3, 2000, they saw the USS *The Sullivans* enter the harbor. Nashiri sent the designated suicide bombers, Taha al-Ahdal and Salman al-Adani, to strike at the ship under cover of night while he waited in a hiding place, ready to view the explosion.

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Ahdal and Adani placed the boat in the water, not realizing it was low tide. Because of the weight from the explosives, the boat got stuck in the sand. They tried a few times to move it, but it wouldn't budge, so they gave up and returned home, leaving the explosive-laden boat. Nashiri was waiting to videotape the operation from an apartment he had rented in Tawahi, and as daybreak approached, he realized that something had gone wrong. He went to the house where the bombers had been living before the operation to see if there were any clues to what had happened and was surprised to see them there, sleeping. He angrily woke them and they explained what had happened. After a firm rebuke he took Salman with him and, with Khamiri also in tow, rushed down to the harbor in a truck. When they saw the boat, they froze. The Beachboy Five were removing the explosives and throwing them casually to one another. Nashiri, Salman, and Khamiri approached cautiously, in case something exploded, and Nashiri negotiated to get the explosives back.

Nashiri, Taha, and Khamiri fled to Afghanistan, Nashiri reporting to bin Laden. The al-Qaeda leader said that they should keep out of sight and wait to see what happened in Yemen. No reports of the Yemenis or the United States investigating the incident reached them, however, and they became increasingly confident that, ultimately, their plans had not been compromised.

Nashiri returned to Yemen within a few months and reconnected with Badawi and the local cell. New suicide bombers were chosen, as Ahdal had been killed in Afghanistan fighting for the Taliban, and Adani had died after jumping into a sewer to try to save a boy who had fallen in. Although Khallad had regularly petitioned bin Laden to use him as a suicide bomber, the al-Qaeda leader wished to use Mu'awiya al-Madani. In fact, however, by September, when the boats operation was ready to be carried out, Nashiri substituted Nibras and Khamiri.

Newly married, Salim Hamdan was visiting Yemen when the attack on the USS Cole occurred. He knew nothing about it in advance but recognized the al-Qaeda hallmarks: suicide bombers and a U.S. target. One of his first responses to the attack was fear of arrest because of

his well-known connections to bin Laden. But when he heard President Saleh saying on Yemeni television that the attack was an Israeli Mossad operation, he relaxed, as that, too, made sense to him: Israel was an enemy of Yemen and wanted to provoke the United States against Yemen. It would be illogical, on the other hand, for al-Qaeda to risk angering Yemen, which until then had been such a welcoming place for extremists, including al-Qaeda operatives. Hamdan traveled with his in-laws from Sanaa to Saudi Arabia for al-Umra, a minor pilgrimage. From Saudi Arabia he returned to Afghanistan to resume his duties for bin Laden.

When he arrived in Kandahar, bin Laden welcomed him back and asked him if there was "any news from Yemen regarding the attack on the American destroyer." Hamdan said that he had heard President Saleh blaming Mossad. Bin Laden smiled and walked away. Later that day, Hamdan bumped into Nashiri. Like bin Laden, Nashiri asked what the news was from Yemen. Hamdan repeated what he had told bin Laden. Nashiri started laughing. He then gestured in bin Laden's direction and said, "It's all from his head." Hamdan now understood why bin Laden had smiled earlier in the day-the Cole was an al-Qaeda operation.

It also now made sense to Hamdan why a few months earlier in Kandahar he had seen Nashiri experimenting with explosives in the company of Abu Abdul Rahman al-Muhajir, al-Qaeda's explosives expert and master bomb maker. He had watched the two men detonating and exploding bombs in the body of an old vehicle. Hamdan knew that Muhajir only instructed people when specifically instructed to do so by bin Laden. If he was involved, one could assume that it was an important operation. He also noticed that Nashiri was spending a lot of time with Khallad, Abu Hafs, and bin Laden, further indication of his involvement in an upcoming operation.

Not everyone in Kandahar agreed with the wisdom of hitting a U.S. target in Yemen. Many al-Qaeda members were either Yemenis or had family ties to Yemen, and they feared the effect an attack would have on their families and their ability to travel home. They also questioned the Bin Laden's Errand Boy 265

wisdom of upsetting a country that had been very useful in providing refuge to them.

Hamdan was one of the al-Qaeda members who questioned the wisdom of the attack. His wife was a Yemeni, and he feared that they would be prevented from returning to Yemen after the attack. When he spoke to his brother-in-law in Yemen, Hamdan was told that the PSO was looking for him. Yemen was a no-go country for him for now.

When they were alone, Hamdan asked bin Laden, "Sheikh, why in Yemen, when that was always a safe haven for the brothers?" Bin Laden did not respond directly and changed the subject.

Other al-Qaeda members would not dream of questioning bin Laden, and Nashiri fell into this camp. He believed that bin Laden always knew best. Abu Jandal described Nashiri as someone who would commit a terrorist act "in Mecca, inside the Kaaba itself" if he believed the cause demanded it.

Bin Laden was convinced that the United States would retaliate against al-Qaeda for the bombing of the USS Cole. At a minimum, he expected al-Qaeda's training camps to be bombed, as had happened after the East African embassy bombings. Before the Cole attack, bin Laden moved to protect himself and his followers.

Training camps were temporarily shut down, and operatives were ordered not to plan or carry out any terrorist acts. Bin Laden himself kept on the move, traveling from one safe house in Afghanistan to another. He first went to the hills around Kabul, then on to Khost and Jalalabad. After that he returned to Kandahar, moving between safe houses there. He also sent Abu Hafs and Ayman al-Zawahiri to separate locations in Kabul. That way, if one of them were killed, the others could continue running al-Qaeda.

Yet there was no retaliation from the United States, to bin Laden's surprise. They would have to hit harder to get America's attention, he told his aides. Hamdan later told me, "You [the United States] brought 9/11 on yourselves; you didn't respond to the Cole, so bin Laden had to hit harder."

As days and weeks went by, rumors that al-Qaeda was behind the

Cole attack reverberated around the Muslim world. The image of the attack on the Cole—a small boat bringing down a mighty destroyer—was a powerful one. Bin Laden would later say that "the destroyer represented the capital of the West and the small boat represented the Prophet Muhammad." In Kandahar, bin Laden, Abu Hafs, and Saif al-Adel met to discuss how best to further capitalize on the attack to boost al-Qaeda's fund-raising and recruitment. They decided to make a video about the bombing.

Bin Laden instructed Ali al-Bahlul to produce the video. He and other members of al-Qaeda's media office spent six months on the project, which included a reenactment of the *Cole* bombing, along with images of al-Qaeda camps and training sessions. It opened with the voice of Abu Hajer al-Iraqi, reading passages from the Quran—he was in jail in the United States for his role in the East African embassy bombings. The touch was significant: before the *Cole* bombing, bin Laden had issued a warning to the United States to release prisoners, among them Abu Hajer. Operatives later noted that the voiceover was bin Laden's creative flourish—one of many improvements and revisions insisted upon by the al-Qaeda leader.

Al-Qaeda distributed the video internationally, and it aired around the world. Money and recruits started pouring in, and in appreciation bin Laden promoted Bahlul; it was at this point that he attained the dual position of al-Qaeda's public relations secretary and bin Laden's personal propagandist.

At the al-Farouq camp, bin Laden addressed new recruits who came in following the *Cole* attack. He thanked God for the success of the *Cole* operation, promised future attacks, praised the martyrs Khamiri and Nibras for their heroic actions, and asked God to receive them as martyrs and "provide us with more like them." He also encouraged the trainces to prepare for jihad themselves. The Yemenis in the camps were proud that Yemeni al-Qaeda operatives were behind the *Cole*. They marched and chanted in unison during training: "We, the Yemenis, are the ones who blew up the *Cole*." Bin Laden also named two of al-Qaeda's main guesthouses after Hassan and Nibras—honoring them and hoping to

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encourage others to follow in their footsteps. Many new recruits volunteered for suicide missions.

In January 2001, in Kandahar, bin Laden celebrated al-Qaeda's successes at the wedding of Hamza, his seventeen-year-old son. The young man married the fourteen-year-old daughter of Abu Hafs al-Masri. To commemorate the occasion, bin Laden read a poem:

A destroyer: even the brave fear its might.

It inspires horror in the harbor and in the open sea.

She sails into the waves

Flanked by arrogance, haughtiness and false power.

To her doom she moves slowly

A dinghy awaits her, riding the waves.

In June 2001, Hamdan and Nashiri were sitting together in a guest-house in Kandahar, and their conversation turned to the *Cole*. Nashiri, laughing, told Hamdan that while transporting the boat to be used for the operation, he had been stopped by a Yemeni policeman, who had asked to see the requisite papers for the craft. He didn't have any papers, so instead he had convinced the officer to turn a blind eye to the incident with "qat money." How easy it was to bribe a policeman in Yemen, Nashiri thought to himself, flushed with this success.

Hamdan was struck by how Nashiri gloried in his own role in the operation, failing to credit even Khamiri and Nibras, who were heavily involved in the planning and, of course, had lost their lives. This especially upset Hamdan, as the men had been friends of his. He and Khamiri had fought together in the front lines against the Northern Alliance. Nibras had been a witness at his wedding in Yemen. It was the last time Hamdan had seen him.

After the 2001 invasion of Afghanistan, an office used by al-Qaeda's military committee was raided. One of the documents found, in a plastic sleeve, was Hasan al-Khamiri's martyrdom letter. It was his farewell

to his brothers. In the letter he spoke about jihad and al-Qaeda, and said his good-byes. On the side of the letter were doodles, with flowers on them.

September 9, 2001. After a long day working in Sanaa, George, Bob, and I were preparing to head to sleep in the room we were sharing in the Sheraton Hotel when the news came through that Ahmed Shah Massoud, the leader of the Northern Alliance, had been assassinated.

Two men claiming to be Belgian journalists of Moroccan origin had met with him for an interview and had blown up their camera's battery pack, which was filled with explosives, killing him. We later learned that their letter of introduction had been forged by Zawahiri and that they were Tunisian members of al-Qaeda.

Massoud was a committed Muslim and had been endorsed by many Islamic leaders, including Abdullah Azzam, who declared, after meeting him, "I have seen the true Islamic jihad, and it is Massoud." But he opposed the Taliban and al-Qaeda, seeking a moderate alternative.

Massoud was a national hero, and his death meant the splintering of the Northern Alliance. His reputation and charisma were instrumental in keeping his group united, and he was one of the few unifying figures who could command the respect of most of the country.

I confided to George and Bob my fear that the assassination was not strictly about Massoud and the Taliban; that it was an action with wider meaning and resonance. "This is bigger. Al-Qaeda is trying to do something huge, and needs the Taliban's support—so they killed Massoud, something the Taliban would be forever grateful for."

"Dude, you scare me when you say this stuff," George said. He brought up the memos I had written before the East African embassy bombings and before the *Cole* attack. "And look what happened. I hope you're wrong."

"I hope I'm wrong, too."

The next day, September 10, the Taliban began a major offensive against the shaken Northern Alliance—one that had been clearly prepared for months in advance.